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Dated: December 22, 2004

Signature:

(Danielle L. Herritt)

Docket No.: NBI-108US
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Anne Clark, *et al.*

Serial No.: 10/030,350

Filed: January 7, 2002

For: **COMPOUNDS FOR INHIBITING
DISEASES AND PREPARING CELLS FOR
TRANSPLANTATION**

Attorney Docket No.: NBI-108US

Group Art Unit: 1651

Examiner: S. M. Hanley

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants and their Attorney are aware of the following publications and information, listed on the attached PTO Form SB/08, and in accordance with 37 CFR §1.97 hereby submit these publications for the Examiner's consideration. These references were cited in an International Search Report dated July 7, 2000 and a Written Opinion dated May 7, 2003, during the prosecution of PCT/GB00/02623 which corresponds to the above referenced application. A copy of the report, the opinion, and each cited publication is enclosed.

Additionally, Applicants provide the full text of the Westermarck reference cited by the Examiner in the Office Action dated June 3, 2004 (B1).

Applicants also wish to bring to the Examiner's attention the following related U.S. patent document and co-pending applications:

U.S. Patent No. 6,562,836 B1 (A1);

U.S. Publication No. 2004/0198832 A1; and

US. Publication No. 2004/0248876 A1.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the cited publications.

In accordance with 37 CFR §1.97(c)(2) and §1.17(p), please charge the \$180.00 submission fee to our Deposit Order Account No. 12-0080. Please charge any necessary additional fees or credit any overpayments to our Deposit Order Account No. 12-0080.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



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Attorney for Applicants

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Date: December 22, 2004

GAD/EAH/DLH/DLN/rl
Enclosures



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December 22, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: U.S. Patent Application No.: 10/030,350
For: **COMPOUNDS FOR INHIBITING DISEASE AND PREPARING
CELLS FOR TRANSPLANTATION**
Inventors: Anne Clark, *et al.*
Filed: January 7, 2002
Our Ref. No.: NBI-108US

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

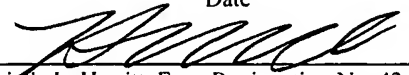
1. Information Disclosure Statement;
2. PTO Form SB/08;
3. A copy of the International Search Report;
4. A copy of the Written Opinion;
5. Copies of references cited in PTO Form SB/08 (19); and
6. A Return Postcard.

No additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080. For this purpose, a duplicate of this sheet is attached.

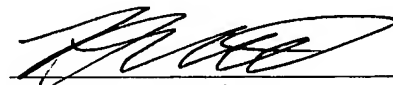
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Date


Danielle L. Herritt, Esq., Registration No. 43,670

Respectfully submitted,
LAHIVE & COCKFIELD, LLP


Danielle L. Herritt, Esq.
Registration No. 43,670
Attorney for Applicants



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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| Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/030,350 |
| | | | | Filing Date | January 7, 2002 |
| | | | | First Named Inventor | Anne Clark |
| | | | | Art Unit | 1651 |
| | | | | Examiner Name | Susan Marie Hanley |
| Sheet | 1 | of | 2 | Attorney Docket Number | NBI-108US |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | A1 | 6,562,836 B1 | 05-13-2003 | Szarek, <i>et al.</i> | |
| | A2 | 2004/0198832 A1 | 10-07-2004 | Szarek, <i>et al.</i> | |
| | A3 | 2004/0248876 A1 | 12-09-2004 | Szarek, <i>et al.</i> | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | A4 | WO 93/03714 A2 | 03-04-1993 | The Upjohn Company | | |
| | A5 | WO 94/22437 A2,A3 | 10-13-1994 | Queen's Univ. at Kingston | | |
| | A6 | WO 94/27602 A1 | 12-08-1994 | Cortex Pharmaceuticals, Inc. | | |
| | A7 | WO 96/28187 A1 | 09-19-1996 | Queen's Univ. at Kingston | | |
| | A8 | WO 96/37612 A1 | 11-28-1996 | Pfizer, Inc. | | |
| | A9 | WO 98/11923 A1 | 03-26-1998 | Baylor College of Medicine | | |
| | A10 | WO 99/40909 A1 | 08-19-1999 | Neurochem, Inc. | | |
| | A11 | WO 00/64420 A2 | 11-02-2000 | Queen's Univ. at Kingston | | |
| | A12 | WO 00/71101 A2,A3 | 11-30-2000 | Queen's Univ. at Kingston | | |
| | A13 | WO 01/03680 A2 | 01-18-2001 | Isis Innovation Limited | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS | | | | | |
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| Examiner Initials ¹ | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | T ² |
| | A14 | Copani, A., <i>et al.</i> "Activation of metabotropic glutamate receptors protects cultured neurons against apoptosis induced by β -amyloid peptide." <i>Mol. Pharmacol.</i> 1995 May; 47(5):890-7. | | | |
| | A15 | Hutchings, R., <i>et al.</i> "The effect of excitotoxin antagonists on ibotenic ac-induced alteration of APP mRNA hippocampal expression" <i>Journal of Pharmacy and Pharmacology.</i> 1995 Dec; 47(12B):1131. | | | |
| | A16 | Pache, D.M., <i>et al.</i> "Effect of selective excitatory amino acid antagonists on excitotoxin-induced changes in APP MRNA expression." <i>Pharmacology Reviews and Communications.</i> 1999; 10(3):205-12. | | | |
| | A17 | Schwarcz, R., <i>et al.</i> "Excitatory aminoacid antagonists provide a therapeutic approach to neurological disorders." <i>Lancet.</i> 1985 Jul 20; 2(8447):140-3. | | | |

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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|



PTO/SB/08a/b (08-03)

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| | | | | Filing Date | January 7, 2002 |
| | | | | First Named Inventor | Anne Clark |
| | | | | Art Unit | 1651 |
| | | | | Examiner Name | Susan Marie Hanley |
| Sheet | 2 | of | 2 | Attorney Docket Number | NBI-108US |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|--|----------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | B1 | Westermarck, G.T., <i>et al.</i> "A comparison of amyloid deposition in human and transgenic mouse islets of langerhans transplanted into nude mice." <i>Amyloid and Amyloidosis</i> 1998, Pros. Int. Symp. Amyloidosis, 8 th , Rochester, Minn; 545-547. | |
| | B2 | "Use of metabotropic agonists in progressive neurodegenerative diseases", <i>Expert Opinion on Therapeutic Patents</i> , 1995; 5(5):491-3. | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Signature | | Date Considered | |
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